

**NHLC – DIVISION OF ENFORCEMENT – AGENDA
FOR WEDNESDAY, AUGUST 22, 2012**

1. LICENSEES WHO HAVE NOT ATTENDED MANDATORY TRAINING:

None

2. HEARINGS SCHEDULED AT THE LIQUOR COMMISSION, 50 STORRS STREET, CONCORD, NH:

August 3, 2012 @ 8:30 a.m.:

McCue's Billiards & Sports Lounge, 12 Emerald Street, Keene, NH.

Sports Entertainment License #2503405.

Licensed pursuant to RSA 178:20, (u)(1).

Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.

Date of violation: October 16, 2010.

Case #: 10-548-OF.

ASSENTED-TO MOTION TO CONTINUE HEARING SCHEDULED FOR MARCH 26, 2012 FILED BY THE LICENSEE AND GRANTED BY THE COMMISSION.

ASSENTED-TO MOTION TO CONTINUE HEARING SCHEDULED FOR MAY 11, 2012 FILED BY THE DIVISION OF ENFORCEMENT AND GRANTED BY THE COMMISSION.

HEARING COMMENCED JUNE 18, 2012 AND WILL CONTINUED ON AUGUST 3, 2012.

DELIBERATIONS TO BE HELD AUGUST 22, 2012 AT 2:00 P.M. AT COMMISSION OFFICES.

August 22, 2012 @ 2:00 p.m.:

The Peddler's Daughter, 48 Main Street, Nashua, NH.

Restaurant Full Service With Lounge License #1265903.

Licensed pursuant to RSA 178:21, II(a)(1)/178:22, V(q).

Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.

Date of violation: March 17, 2012.

Case #: 12-109-OF.

WITHDRAWN; CASE SETTLED.

HEARING SCHEDULED AT THE DIVISION OF ENFORCEMENT, 57 REGIONAL DRIVE, CONCORD, NH:

None

3. WARNING LETTERS/FINES/SUSPENSIONS/MANDATORY TRAINING FOR COMMISSION APPROVAL:

- a. FedEx Ground, 1000 FedEx Drive, Moon Township, PA.
Carrier-Beverage/Wine/Liquor License #745916.
Licensed pursuant to RSA 178:14.
Cited for violation of RSA 179:5, I – shipped alcohol for a vendor that is on the seizure list – 20 counts.
Cited for violation of RSA 178:27, II – shipped alcohol into an area of the state where alcohol may not be legally sold – 2 counts.
Dates of violations: February 10, 2012, June 11, 2012, July 9, 2012, July 10, 2012
Case #s: 12-130-OF, 12-175-OF, 12-176-OF, 12-196-OF, 12-197-OF & 12-199-OF.
Recommendation: **Settlement** reached for an administrative fine of \$2,000 with \$1,000 suspended for twelve (12) months pending no like violation of RSA 179:5, I; the suspended portion of the fine will not come forward relative to a violation that pertains to Vinefolio that occurred on June 18, 2012 and a \$100 administrative fine for violations of RSA 178:27, II.

- b. Lucky Dog Tavern & Grill, 53 South Main Street, Plymouth, NH.
Restaurant Full Service With Lounge License #1267803.
Licensed pursuant to RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: April 28, 2012.
Case #: 12-150-OF.
Recommendation: **Settlement** reached for \$1,000 administrative fine with \$500 suspended for twelve (12) months pending no like violation, four (4) points assessed to the liquor license and the license to sell alcohol in the cocktail lounge only suspended for five (5) days with two (2) days held in abeyance for twelve (12) months pending no like violation commencing August 25, 2012 with re-grant on August 28, 2012.
- c. The Peddler's Daughter, 48 Main Street, Nashua, NH.
Restaurant Full Service With Lounge License #1265903.
Licensed pursuant to RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: March 17, 2012.
Case #: 12-109-OF.
Recommendation: **Settlement** reached for a \$500 administrative fine, four (4) points assessed to the liquor license, the license to sell alcohol suspended for three (3) days with two (2) days held in abeyance for twelve (12) months pending no like violation to occur on August 25, 2012 and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all staff working on the night the violation occurred.
- d. Peking Tokyo, 45 Hanover Street, Lebanon, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1350703.
Licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person – 2 counts.
Date of violation: December 4, 2011.
Case #: 11-548-OF.
Recommendation: **Settlement** reached for a \$500 administrative fine, four (4) points assessed to the liquor license and the license to sell alcohol suspended for five (5) days with three (3) days held in abeyance for twelve (12) months pending no like violation to commence August 26, 2012 with re-grant on August 28, 2012 and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all managers and servers.
- e. UPS, 55 Glenlake Parkway NE, Atlanta, GA.
Carrier-Beverage/Wine/Liquor License #748116.
Licensed pursuant to RSA 178:14.
Cited for violation of RSA 179:5, I – shipped alcohol for a vendor that is on the seizure list.
Date of violation: June 21, 2012.
Case #: 12-185-OF.
Recommendation: Nol pros.

4. **NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:**

None

5. **NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:**

None

6. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

None

7. NOTIFICATION OF TOBACCO COMPLIANCE CHECKS:

None

8. NOTIFICATION OF NEW APPROVED LICENSES:

- a. Blue Moon WV LLC DBA Blue Moon Over Waterville Valley Café, Town Square, Waterville Valley, NH 03215.
Issued Restaurant On-Premise Beverage/Wine License #1454103 pursuant to RSA 178:20.
- b. Convenience Plus LLC DBA Convenience Plus Manchester, 20 Roundstone Drive, Manchester, NH 03103.
Issued Combination Off-Premise Beverage/Wine/Tobacco License #3295747 pursuant to RSA 178:18.
- c. CVS Manchester LLC DBA CVS Pharmacy 7122, 157 Loudon Road, Concord, NH 03301.
Issued Combination Off-Premise Beverage/Wine/Tobacco License #3294947 pursuant to RSA 178:18.
- d. Elvio's Pizzeria & Restaurant, Inc., 2888 White Mountain Highway, North Conway, NH 03860.
Issued Restaurant On-Premise Beverage/Wine License #1452003 pursuant to RSA 178:20.
- e. Family Dollar, Inc. DBA Family Dollar Store 8186, 8 Rochester Road, Northwood, NH 03261.
Issued Retail Tobacco Off-Premise Tobacco License #125717 pursuant to RSA 178:19-a.
- f. Martingale Wharf LLC, 99 Bow Street, Portsmouth, NH 03801.
Issued Restaurant On-Premise Beverage/Wine/Liquor License #1451503 pursuant to RSA 178:21.
- g. McIntyre Ski School, Inc., 50 Chalet Way, Manchester, NH 03104.
Issued Caterer On-Site Cocktail Lounge License #1276726 pursuant to RSA 178:22, V.
- h. Thai Room LLC DBA Bodhi Thai Bistro, 40 Pleasant Street, #1A, Portsmouth, NH 03801.
Issued Restaurant On-Premise Beverage/Wine License #1443703 pursuant to RSA 178:20.
- i. Trader Joe's East, Inc. DBA Trader Joe's #520, 45 Gosling Road, Unit 9, Newington, NH 03801.
Issued Combination Off-Premise Beverage/Wine License #3287647 pursuant to RSA 178:18.

9. NOTIFICATION OF APPROVED SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING AUGUST 20, 2012: 1,008

- a. Anchor Distilling Company LLC, 1705 Mariposa Street, San Francisco, CA 94107.
Issued Liquor and Wine Vendor License #106545 pursuant to RSA 178:9.
- b. Appolo Vineyards LLC, 49 Lawrence Road, Derry, NH 03038.
Issued Wine Manufacturer License #563830 pursuant to RSA 178:8.
- c. Cavan and Rose LLC, 9 Hampshire Lane, Londonderry, NH 03053.
Issued Liquor & Wine Representative License #605835 pursuant to RSA 178:10.
- d. Entourage Wine Group, Inc., 1883 London Ranch Road, Glen Ellen, CA 95442.
Issued Direct Shipper Permit #8199533 pursuant to RSA 178:27.

- e. Frank Di Matteo, Jr. & Frank Di Matteo III, Di Matteo Vineyards, 951 Eight Street, Hammonton, NJ 08037. Issued Direct Shipper Permit #8199733 pursuant to RSA 178:27.
- f. Hornell Brewing Company Inc., 60 Crossways Park Drive West, Woodbury, NY 11797. Issued Beverage Vendor License #58431 pursuant to RSA 178:15. Manufacturer: Mississippi Brewing Company LLC.
- g. Kurt Schlicker DBA Rulo Winery, 3525 Pranger Road, Walla Walla, WA 99362. Issued Direct Shipper Permit #8199633 pursuant to RSA 178:27.
- h. Rubin Wines LLC DBA River Road Vineyards, 5220 Ross Road, Sebastopol, CA 95472. Issued Direct Shipper Permit #8199433 pursuant to RSA 178:27.
- i. Super Sonoman Wine LLC, 3358 D Coffey Lane, Santa Rosa, CA 95403. Issued Direct Shipper Permit #8199333 pursuant to RSA 178:27.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

- a. Morgan Winery, Inc., 590-C Brunken Avenue, Salinas, CA. Direct Shipper Permit #8194233. Licensed pursuant to RSA 178:27. Cited for violation of RSA 178:27, V/Liq. 1103.01 – failed to report shipments on the February, March and April, 2012 direct shipper reports by the 15th of the following month. Date of violations: July 23, 2012. Case #: 12-210-OF \$750 administrative fine not paid.

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Common Man Town Dock, Inc., 289 Daniel Webster Highway, Meredith, NH 03253. Restaurant On-Premise Cocktail Lounge License #1099203. Licensed pursuant to RSA 178:22, V. Requested approval for other areas, to wit, an outside fenced area with a capacity of 45 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- b. Cue and Cushion LLC, 1271 Hooksett Road, Unit 2, Hooksett, NH 03106. Sports Recreation Facility On-Premise Cocktail Lounge License #2504905. Licensed pursuant to RSA 178:22, V. Requested approval for other areas, to wit, an outside patio area with a capacity of 40 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- c. Robert Dabrowski DBA Candia Vineyards, 702 High Street, Candia, NH 03034. Wine Manufacturer License #561430. Licensed pursuant to RSA 178:8. Requested approval for authorization of other areas, to wit, City of Manchester Farmers Market, Concord Street, Manchester, NH on Thursdays from August 2, 2012 through October 18, 2012 from 3:00pm to 6:30pm pursuant to RSA 178:24 and Liq. 404.05.
- d. Heat Restaurant LLC, 608 Endicott Street, Laconia, NH 03246. Restaurant On-Premise Cocktail Lounge License #1385703. Licensed pursuant to RSA 178:22, V. Requested approval for other areas, to wit, an outside tented area with a capacity of 2,380 on August 11 & 18, 2012 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.

August 22, 2012 Enforcement Agenda

- e. Le Club Alpin De Raquetteur, 175 Putnam Street, Manchester, NH 03102.
Social Club On-Premise Cocktail Lounge License #10301.
Licensed pursuant to RSA 178:22, V.
Requested approval for other areas, to wit, an outside parking lot area with a capacity of 250 on August 12, 2012 from 11:00am to 6:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- f. Lebanon Lodge of Elks, 150 Heater Road, Lebanon, NH 03766.
Social Club On-Premise Cocktail Lounge License #27101.
Licensed pursuant to RSA 178:22, V.
Requested approval for other areas, to wit, an outside fenced area with a capacity of 375 and an outside tented area with a capacity of 54 on August 5, 2012 from 12:00pm to 6:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- g. Lylabean LLC DBA Hole In The Fence Café, 420 Main Street, New London, NH 03257.
Restaurant On-Premise Beverage/Wine License #1403503.
Licensed pursuant to RSA 178:20.
Requested approval for other areas, to wit, an outside patio and lawn area with a capacity of 14 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- h. Martingale Wharf LLC, 99 Bow Street, Portsmouth, NH 03801.
Restaurant On-Premise Beverage/Wine/Liquor License #1451503.
Licensed pursuant to RSA 178:21.
Requested approval for other areas, to wit, an outside deck area with a capacity of 88 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- i. Plymouth Lodge BPOE 2312 Elks, Route 175, Holderness, NH 03245.
Social Club On-Premise Cocktail Lounge License #30201.
Licensed pursuant to RSA 178:22, V.
Requested approval for other areas, to wit, an outside fenced area with a capacity of 290 and two outside tented areas with a capacity of 55 each on August 26, 2012 from
- j. Sunset Grill LLC, 2092 Daniel Webster Highway, Campton, NH 03223.
Restaurant On-Premise Cocktail Lounge License #1185703.
Licensed pursuant to RSA 178:22, V.
Requested approval for other areas, to wit, an outside tented area with a capacity of 50 on August 4, 2012 from 5:00pm to 10:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- k. Sweet Baby Vineyard, LLC, 204 South Road, Kensington, NH 03833.
Wine Manufacturer License #562430.
Licensed pursuant to RSA 178:8.
Requested approval for authorization of other areas, to wit, Town of Rollinsford Farmers Market, Wentworth Greenhouses, 141 Rollins Road, Rollinsford, NH on Saturdays from August 4, 2012 through October 27, 2012 from 9:00am to 1:00pm pursuant to RSA 178:24 and Liq. 404.05.
- l. Ukrainian American Citizens, 148 Manchester Street, Manchester, NH 03101.
Social Club On-Premise Cocktail Lounge License #10001.
Licensed pursuant to RSA 178:22, V.
Requested approval for other areas, to wit, an outside parking lot area with a capacity of 185 on August 18, 2012 from 11:00am to 12:00am sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.

12. COMMISSION DECISIONS PENDING AFTER AGENDA MEETING:

None

13. COMMISSION DECISIONS PENDING AFTER HEARING:

None

14. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. Boston Beer Corporation DBA Boston Beer Company,
One Design Center Place, Suite 850, Boston, MA 02210.
Beverage Vendor License #29931.
Licensed pursuant to RSA 178:15.
Requests approval of Angry Orchard Iceman Hard Cider with an alcohol content of 10% and Angry Orchard Strawman Hard Cider with an alcohol content of 9.95% percent at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and 179:40-a.
Recommendation: **DENIAL.**
- b. Chronic Cellars, Inc., 2025 Nacimiento Lake Drive, Paso Robles, CA 93446.
Pending Direct Shipper Permit.
Recommendation: **DENIAL; TO BE DISCUSSED.**
- c. Millercoors LLC, 311 10th Street, Golden, CO 80401.
Beverage Vendor license #45431.
Licensed pursuant to RSA 178:15.
Requests approval of Crispin The Saint with an alcohol content of 6.9%; Crispin Honey Crisp with an alcohol content of 6.5% percent; Crispin Lansdowne with an alcohol content of 6.9%; and Crispin Cho-tokkyu with an alcohol content of 6.5% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and 179:40-a.
Recommendation: Approval.
TABLED ON AUGUST 1, 2012.
- d. Paradise Beach Club, Inc. DBA Paradise Beach Club/Coral Reef,
322 Lakeside Avenue, Laconia, NH 03246.
Restaurant On-Premise Cocktail Lounge License #1218803.
Licensed pursuant to RSA 178:22, V.
Requests a waiver of RSA 178:21, II, a (2) for authorization of reduction of hours, to wit, to reduce the hours of operation to less than five days a week, to be open Thursdays, Fridays, and Saturdays as requested in a letter dated July 11, 2012.
Recommendation: **MUST APPEAR.**
- e. Peachy Canyon Winery, 2025 Nacimiento Lake Drive, Paso Robles, CA 93446.
Pending Direct Shipper Permit.
Recommendation: **DENIAL; TO BE DISCUSSED.**
- f. Shipyard Brewing Company LLC, 86 Newbury Street, Portland, ME 04101.
Beverage Vendor License #19531.
Licensed pursuant to RSA 178:15.
Requests approval of Shipyard Bourbon Barrel Aged Double ESB with an alcohol content of 13.2% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and 179:40-a.
Recommendation: Approval.

15. EXECUTIVE SESSION ITEMS:

None